

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.2136 OF 1996

The New Vinod Silk Mills Pvt.Ltd. .. Petitioner.

V/s.

The Union of India & Others .. Respondents.

None for the petitioner.

Mr.A.S. Rao for the respondents.

CORAM : R.M. LODHA &
J.P. DEVADHAR, JJ.

DATED : 2ND MAY, 2006.

P.C. :

None appears for the petitioner. Mr.A.S.
Rao appears for the revenue.

2. As the reply filed on behalf of the revenue is not on record, the counsel handed in copy of the reply affidavit filed by R.A. Shaikh, Deputy Commissioner of Customs, Group III, New Custom House, Ballard Estate, Mumbai for our perusal. In paragraph 8 of his affidavit, the Deputy Commissioner of Customs has stated thus :

"8. I say that the respondents during the pendency of this petition, have refunded the amount of Rs.12,54,776/- vide their cheque dated 06.11.96. In view of the well settled law as on today, it is respectfully submitted that the petitioners are not entitled to refund and they may be directed to remit back

the said sum to the respondent. I also say that in view of the fact that the refund is already granted, the petitioners are not entitled for any interest and the present petition does not survive, therefore, be rejected accordingly."

3. It appears that the refund having already been given to the petitioner, the petitioners are not desirous of prosecuting the writ petition and for that reason nobody is present on behalf of the petitioner.

4. The writ petition is disposed of accordingly. Rule stands discharged. No costs.

(R.M. LODHA, J.)

(J.P. DEVADHAR, J.)